

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CATALIN GAVRILA,
Plaintiff,

No. C 11-00235 CRB

ORDER DISMISSING CASE

v.

JP MORGAN CHASE, N.A., ET AL.,
Defendant.

The Court has still not received an Opposition to Defendant's Motion to Dismiss. The Motion to Dismiss is calendared for argument on May 27, 2011. See dkt. 12 (Renotice of motion hearing). Plaintiff's Opposition to the Motion was due on May 6, 2011. See Civil Local Rule 7-3. Plaintiff failed to file an Opposition. The Court ordered Plaintiff to show cause by May 13, 2011 why this case should not be dismissed for failure to prosecute, per Federal Rule of Civil Procedure 41(b). Plaintiff filed a Response to Order to Show Cause, stating that counsel had confused the case with another matter, believed the matter had been continued, and that "[w]ith the Court's permission," never actually sought, "Plaintiff's Response to the Motion to Dismiss will be filed no later than May 16, 2011." See dkt. 16. It is now May 17, 2011, and no Opposition has been filed.

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1 Accordingly, the Court DISMISSES Plaintiff's case for failure to prosecute under Rule
2 41(b). **IT IS SO ORDERED.**

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4 Dated: May 17, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California